

**REMARKS**

In response to Examiner's rejection of pending claims 1-31, Applicant respectfully asks Examiner for reconsideration of the application and pending claims 1-31 based on the following remarks.

**Claim Rejections – 35 U.S.C. § 112**

The Examiner has rejected claims 1-13 and 29-31 under 35 U.S.C §112, first paragraph, as failing to comply with the written description. Applicant has amended independent claims 1 and 29 to comply with U.S.C §112, first paragraph. Thus, Applicant respectfully requests withdrawal of the 35 U.S.C §112, first paragraph rejection of claims 1-13 and 29-31.

**Claim Rejections – 35 U.S.C. § 102**

The Examiner has rejected claims 1-7, 11-23, and 27-31 under 35 U.S.C §102(b), as being anticipated by Marisetty ("Marisetty"), U.S. Patent No. 5,590,342. For the reasons set forth below, Applicant asserts that the cited reference fails to anticipate Applicant's invention as claimed in claims 1-7, 11-23, and 27-31.

Marisetty discloses a power management mechanism for use in a computer system having a central processing unit that runs in an operating system having a power management virtual device driver responsible for performing idle detection for devices. (Marisetty abstract)

With respect to independent claim 1 in the presently claimed invention, Applicant teaches and claims:

“A method of providing power management, the method comprising a virtual machine monitor (VMM) monitoring utilization of a platform device within a computing platform by one or more other virtual machines, *the VMM identifying a decrease in power available to the computing platform*, and the VMM managing power consumption of the platform device based on the monitoring *upon the identified decrease in available power.*” (Claim 1) (Emphasis Added)

In the Office Action mailed on February 9, 2006, the Examiner states that Marisetty teaches identifying a decrease in power available to a computing platform in column 6, lines 42-45 of the Marisetty patent which specifically state that “[t]he PMVxD power management software [] communicates with a Plug-n-Play [] configuration manager [] and the APM/PMC device driver [] in the operating system software layer.” (Marisetty column 6, lines 42-45) This sentence in Marisetty does not teach identifying a decrease in power available to a computing platform. Rather, it teaches that the PMVxD power management software can communicate with a configuration manager and a device driver in the Marisetty system. Thus, because Marisetty does not teach a VMM *identifying a decrease in power available to the computing platform* and managing power consumption of the platform device based on the monitoring *upon the identified decrease in available power*, Applicant respectfully submits that Marisetty does not anticipate claim 1.

In regard to independent claims 14, 17, and 29, Marisetty does not anticipate Applicant's invention for the same reason as independent claim 1. Again, the system and method in Marisetty does not teach a VMM *identifying a decrease in power available to the computing platform* and managing power consumption of the platform device based on the monitoring *upon the identified decrease in available power*. Thus, because Marisetty does not teach the presently claimed invention, Applicant respectfully submits that Marisetty does not anticipate claims 14, 17, and 29.

Claims 2-7, 11-12, 15-16, 18-23, 27-28, and 30-31 are dependent upon their respective independent claims 1, 14, 17, and 29. Thus, for at least the same reasons advanced above with respect to independent claims 1, 14, 17, and 29, Applicant respectfully submits that Marisetty does not teach or anticipate these dependent claims.

As such, Marisetty does not teach or anticipate Applicant's invention as claimed in pending claims 1-7, 11-23, and 27-31. Applicant respectfully requests withdrawal of the 35 U.S.C. 102(b) rejection of claims 1-7, 11-23, and 27-31.


If there are any additional charges, please charge Deposit Account No 02-2666.

If a telephone conference would facilitate the prosecution of this application, the

Examiner is invited to contact Michael J. Mallie at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 5/9/06 

Michael J. Mallie ( Reg. No. 36,591 )

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

On 5-9-06  
Date of Deposit

Joyce Klein  
Name of Person Mailing Correspondence

 5/9/06  
Signature Date